

**NO. PD-0021-17**  
**COA NO. 03-13-00304-CR**

IN THE  
COURT OF CRIMINAL APPEALS  
AUSTIN, TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
7/28/2017  
DEANA WILLIAMSON, CLERK

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KAITLYN RITCHERSON	§	PETITIONER
VS.	§	
THE STATE OF TEXAS	§	RESPONDENT

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APPEAL FROM THE 331<sup>ST</sup> JUDICIAL DISTRICT COURT

TRAVIS COUNTY, TEXAS

CAUSE NO. D-1-DC-11-302663

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**STATE'S FIRST MOTION FOR EXTENSION OF TIME TO FILE BRIEF**  
**ON THE MERITS ON PETITION FOR DISCRETIONARY REVIEW**

**TO THE HONORABLE COURT OF APPEALS:**

The State of Texas respectfully moves for an extension of the deadline for filing the State's brief on the merits after granting discretionary review and, in accordance with Texas Rules of Appellate Procedure 70.1 and 10.5(b), advises the Court as follows:

- (a) Petitioner was convicted in Travis County of Murder. The trial court assessed Petitioner's punishment at twenty-five years confinement.
- (b) The Third Court of Appeals affirmed the conviction on August 31, 2015. The petitioner did not file a petition for discretionary review and mandate issued on December 3, 2015.
- (c) On September 28, 2016, the petitioner filed an application for a writ of habeas corpus seeking permission to file an out-of-time petition for discretionary review. On November 16, 2016, the Court of Criminal Appeals granted relief.
- (d) The petitioner filed a petition for discretionary review on February 9, 2017. This Court granted the petition on May 3, 2017.
- (e) The Petitioner's brief on the merits was marked filed on June 28, 2017.
- (f) The State's brief on the merits is currently due on **July 28, 2017**.
- (g) This request is that the deadline for filing the State's brief on the merits be extended by **31 days**.
- (h) The number of previous extensions of time granted for submission of the State's brief is: **none**.
- (i) The State relies upon the following facts to reasonably explain the need for an extension of the deadline:

1. In the time since appellant's brief on the merits was filed, the undersigned attorney has completed and filed a response brief in two other pending appellate cases, (i.e. *Carlos Adrian Whitcomb v. State of Texas*, No. 08-16-00198-CR; and *John Devine v. State of Texas*, No. 03-17-00033-CR). The undersigned attorney has completed and filed an Answer to two pending applications for a writ of habeas corpus (i.e., *Ex Parte Jose Arriaga*, D-1-DC-13-302203; and *Ex Parte Shawn Bailey* D-1-DC-11-300610). The undersigned attorney is also preparing a response brief in two other pending appellate cases, (i.e. *Ernest Williams v. State of Texas*, No. 08-16-00346-CR; and *Ross Allen Hartwell v. State of Texas*, No. 13-17-00037-CR).
2. This request is not made for the purpose of delay, but to ensure that the Court has a proper responsive brief on the merits to aid in the just disposition of the above cause.

WHEREFORE, the State of Texas respectfully requests that the deadline for filing the State's brief on the merits be extended to **August 28, 2017**.

Respectfully submitted,

MARGARET MOORE  
District Attorney  
Travis County, Texas

/s/ Angie Creasy

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### **CERTIFICATE OF COMPLIANCE**

Pursuant to Texas Rule of Appellate Procedure 9.4(i), I hereby certify, based upon the computer program used to generate this motion, that this motion contains 412 words, excluding words contained in those parts of the motion that Rule 9.4(i) exempts from inclusion in the word count. I certify, further, that this motion is printed in a conventional, 14-point typeface.

/s/ Angie Creasy

Assistant District Attorney

### **CERTIFICATE OF SERVICE**

I hereby certify that, on the 28<sup>th</sup> day of July, 2017, a true and correct copy of this motion was served, by U.S. mail, electronic mail, facsimile, or electronically through the electronic filing manager, to the Appellant's attorney, Alexander L. Calhoun, Law Office of Alexander L. Calhoun, 4301 W. William Cannon Drive, Suite B-150, #260, Austin, Texas 78749, [alcalhoun@earthlink.net](mailto:alcalhoun@earthlink.net); and Stacey M. Soule, State Prosecuting Attorney, P.O. Box 13046, Austin, Texas 78711-3046, [stacey.soule@spa.texas.gov](mailto:stacey.soule@spa.texas.gov).

/s/ Angie Creasy

Assistant District Attorney